

Application Serial No. 10/581,953
Reply to Office Action of August 10, 2010

JAN 10 2011 PATENT
Docket: CU-4850

REMARKS

In the Office Action, dated August 10, 2010, the Examiner states that Claims 13-22 are pending and rejected. By the present Amendment, Applicant amends the claims.

Rejections under 35 U.S.C. §112

Claims 13-22 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for the reasons of record.

Claim 13 has been amended to specify that the decorative material comprises a base material layer and a surface layer directly formed on the base material layer, wherein the base material layer comprises a base material layer-side impregnated paper layer on the surface layer side. The surface layer comprises a surface layer-side impregnated paper layer formed directly on an upper surface of the base material layer-side impregnated paper layer. The material also comprises a blocking layer formed to cover an entire upper surface of the surface layer-side impregnated paper layer and a surface resin layer formed directly on an upper surface of the blocking layer. Therefore, Applicant respectfully asserts that the claim has been clarified to recite that the second impregnated paper layer is not placed upon the second impregnated paper layer.

Claim 16 is objected to for reciting "a layer separately formed on the upper surface of the surface layer and a layer formed by impregnating the surface resin layer with a blocking resin." Applicant notes that this language has been deleted from the claim.

Claim 17 has been amended such that the features recited therein are consistent with those recited in Claims 16 and 13.

In view of the foregoing, Applicant respectfully requests withdrawal of the present rejections under 35 U.S.C. §112, second paragraph.

Rejections under 35 U.S.C. §103(a)

Claims 13-18 and 20-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,514,624 (Takemoto) in view of US 6,641,926 (Malina). Claims 19 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over US 6,514,624 (Takemoto) in view of US 6,641,926 (Malina) and US 4,339,566 (Rosenkranz). Applicant respectfully disagrees with and traverses these rejections.

At the outset, Applicant notes that Claims 13, 15, 16 and 17 are currently

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amended and Claims 19 and 22 have been cancelled without prejudice or disclaimer of the subject matter thereof. Support for the amended claims can be found in paragraph [0079] of US 2007/0104928 (patent application publication of the present application).

Since the ionizing radiation curing resin of the decorative material recited in independent Claim 13 comprises an ethylene oxide modified polymerizable compound and an ethylene oxide non modified acrylate monomer by mass ratio of 30:70 to 50:50, the special effect of having both of the blocking properties and pollution resistance (water resistance or oil resistance) is attained. Such unique effect of the decorative material of independent Claim 13 is demonstrated in the examples as shown in Table 2 of the present application.

Further, Applicant respectfully asserts that none of the cited prior art teaches or suggests each and every structural feature of the decorative material recited in Claim 13.

To support a *prima facie* case of obviousness, the Office Action must establish "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57,526 (Oct. 10, 2007). Since the prior art does not teach or suggest each and every feature of the presently claimed invention, Applicant respectfully asserts that a *prima facie* case of obviousness cannot presently be established.

Since independent Claim 13 is allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite. As such, Applicant respectfully requests withdrawal of the present rejections under 35 U.S.C. §103(a).

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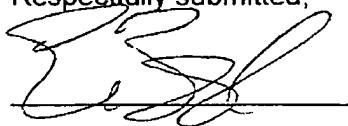
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In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

January 10, 2011

Date



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